



TOWN OF LOS ALTOS HILLS  
Staff Report to the City Council

October 9, 2008

SUBJECT: ADOPTION OF AN ORDINANCE AMENDING TITLE 8, BUILDING REGULATIONS, OF THE LOS ALTOS HILLS MUNICIPAL CODE TO ADD A NEW CHAPTER 8-1.3 GREEN BUILDING REGULATIONS (NEW RESIDENCES AND PUBLIC FACILITIES ONLY)

FROM: Debbie Pedro, Planning Director 

APPROVED: Carl Cahill, City Manager 

RECOMMENDATION: That the City Council:

Waive further reading and adopt the proposed ordinance amending Title 8 of the Los Altos Hills Municipal Code to add a new chapter 8-1.3 on Green Building Regulations.

BACKGROUND

On September 11, 2008, the City Council unanimously voted to introduce an ordinance amending Title 8 of the Los Altos Hills Municipal Code to add a new chapter on Green Building Regulations. The Green Building Ordinance requires new residences and new Town owned public facilities to achieve minimum points for GreenPoint or LEED ratings. The Ordinance also establishes incentives, such as expedited permit processing, building inspections, and City Council recognition for projects that exceed the minimum point requirements. Furthermore, incentives are provided for additions and remodels that voluntarily comply with the green building standards. Per City Council direction, staff will return with a report on the results of the ordinance after the first year of implementation. The proposed ordinance and previous staff report dated September 11, 2008 are attached for Council review.

FISCAL IMPACT

There is no fiscal impact associated with this recommendation.

CEQA STATUS

The proposed Policy is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15308 of the CEQA Guidelines.

ATTACHMENTS

1. Proposed Green Building Ordinance
2. City Council staff report dated September 11, 2008

**ORDINANCE NO. \_\_\_\_\_****ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF LOS ALTOS HILLS  
ADDING CHAPTER 1.3 TO TITLE 8 OF THE MUNICIPAL CODE (BUILDING  
REGULATIONS) ESTABLISHING GREEN BUILDING REGULATIONS**

**WHEREAS**, the Town of Los Altos Hills' ("Town") General Plan sets forth goals, policies and programs to ensure that all development occurs in a manner that maximizes the preservation of natural resources; and

**WHEREAS**, policy 2.8 of the Town's General Plan Land Use Element promotes the use of green building methods and practices in the planning, design, construction, renovation, operations, and demolition of buildings; and

**WHEREAS**, California Assembly Bill 32 (Global Warming Solutions Act of 2006) require actions on the part of State and local governments to significantly reduce greenhouse gas (GHG) emissions such that statewide GHG emissions in 2020 are lowered to 1990 levels; and

**WHEREAS**, reducing energy and water use and mitigating climate change are fundamental parts of a sustainable long-term strategy to preserve natural resources and protect the environment; and

**WHEREAS**, the U.S. Department of Energy estimates that buildings account for 38% of CO<sub>2</sub> emissions in the United States; and

**WHEREAS**, utilizing green building measures in construction saves energy, reduces CO<sub>2</sub> emissions, and reduces operating costs.

**NOW, THEREFORE**, the City Council of the Town of Los Altos Hills does hereby ORDAIN as follows:

1. **AMENDMENTS**. Chapter 1.3, "Green Building Regulations", is hereby added to Title VIII of the Los Altos Hills Municipal Code to read as follows:

**Chapter 1.3****Green Building Regulations****Sections:**

- 8-1.30 Purpose
- 8-1.31 Applicability
- 8-1.32 Definitions
- 8-1.33 Standards for Compliance
- 8-1.34 Incentives for Applicable Projects
- 8-1.35 Incentives for Additions and Remodels
- 8-1.36 Administration and Enforcement
- 8-1.37 Exceptions
- 8-1.38 Appeal

### **8-1.30 Purpose**

The intent of the Los Altos Hills green building program is to enhance public health and welfare by establishing green building standards for the design, construction, and maintenance of buildings. The green building practices referenced in this Chapter are intended to achieve the following goals:

- a. To encourage the conservation of natural resources;
- b. To reduce waste in landfills generated by construction projects;
- c. To increase energy efficiency and lower energy usage in buildings;
- d. To promote a healthier indoor environment;
- e. To provide durable buildings that are efficient and economical to operate, and maintain.

### **8-1.31 Applicability**

The provisions of this Article shall apply to new Town-owned public facilities and new residential Primary Dwellings and Secondary Dwellings, where proposed as part of a Primary Dwelling.

### **8-1.32 Definitions**

For purposes of Chapter 1.3, the following definitions shall apply:

A. "Green Building" means a whole systems approach to the design, construction, location and operation of buildings and structures that helps to mitigate the environmental, economic, and social impacts of construction, demolition, and renovation. Green building practices recognize the relationship between the natural and built environments and seek to minimize the use of energy, water, and other natural resources and promote a healthy, productive indoor environment.

B. "GreenPoint Rated (GPR)" means the residential green building rating system developed by Build It Green.

C. "GreenPoints" means credits assigned under the GreenPoint Rated Checklist for applicable projects.

D. "GreenPoint Rated Verification" means verification of a project by a certified GreenPoint Rater to meet the standards of the GreenPoint Rated program and resulting in certification by Build It Green.

E. "LEED<sup>®</sup>" means the "Leadership in Energy and Environmental Design" green building rating system developed by the U.S. Green Building Council (USGBC).

F. "LEED<sup>®</sup> USGBC Verification" means verification of a project by a LEED accredited professional to meet the standards of the U.S. Green Building council (USGBC) and resulting in LEED certification by USGBC.

G. “Primary Dwelling” means a building designated and/or customarily used as a residence by not more than one (1) family and situated on a parcel or lot on which no other primary dwelling is located.

H. “Public Facilities” means Town-owned facilities and buildings.

I. “Secondary Dwelling” shall mean an attached or detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons. A secondary dwelling shall include facilities for living, sleeping, eating, cooking, and sanitation, and be located on the same parcel under the same ownership as a primary dwelling.

### **8-1.33 Standards for Compliance**

All applicable projects shall demonstrate compliance with the following level of green building standards:

A. New Primary Dwellings and Secondary Dwellings, where proposed as part of the Primary Dwelling.

1. Site Development Review. The applicant shall submit one (1) of the following checklists:

- a. A GreenPoint Rated checklist with the Site Development application to indicate that the project will achieve a minimum of fifty (50) points; A completed GreenPoint checklist shall be attached to the front of the site development plans submitted to the Planning Department for review.
- b. A LEED for Homes checklist with the Site Development application to indicate that the project will achieve a minimum of forty-five (45) points or LEED Certification. A completed LEED checklist shall be attached to the front of the site development plans submitted to the Planning Department for review.

2. Building Plan Review. The applicant shall submit one (1) of the following checklists:

- a. A GreenPoint Rated checklist with the building permit application to indicate that the project will achieve a minimum of fifty (50) points. The checklist shall be completed by a qualified green building professional and shall be attached to the front of the construction plans. The construction plans shall include general notes or individual detail drawings, where feasible, showing the green building measure to be used to attain the required points.
- b. A LEED for Homes checklist with the building permit application to indicate that the project will achieve a minimum of forty-five (45) points or LEED certification. The checklist shall be completed by a qualified

green building professional and shall be attached to the front of the construction plans. The construction plans shall include general notes or individual detail drawings, where feasible, showing the green building measure to be used to attain the required points.

3. Final Inspection and Occupancy. Prior to final inspection and occupancy for applicable projects, a qualified green building professional shall provide documentation verifying that the building was constructed in compliance with GreenPoint Rated or LEED certification.

**B. New Town-owned Public Facilities**

1. Construction for all new Town-owned facilities and buildings over 1,000 sq. ft. in size shall meet or exceed LEED® certification.
2. Prior to issuance of building permits, the Town shall verify that the project has been designed to meet LEED® certification.
3. Prior to final project inspection, the Town shall verify that the project was constructed in compliance with the LEED® certification.

**8-1.34 Incentives for Applicable Projects**

Applicable projects that exceed the minimum point thresholds required under Section 8-1.33 shall qualify for the following incentives:

- A. **Expedited Permit Processing**  
For projects GreenPoint rated at 75 points or higher or LEED rated at 60 points or higher (LEED Silver), the project shall qualify for expedited building plan review. Plan check comments on the first round of building permit applications will be provided within five days of permit submittal.
- B. **Guaranteed Building Inspections**  
For projects GreenPoint rated at 100 points or higher or LEED rated at 75 points or higher (LEED Gold), the project shall qualify for guaranteed building inspections within two working days of a request for inspection.
- C. **Special Recognition by the City Council**  
For projects GreenPoint rated at 150 points or higher or LEED rated at 90 points or higher (LEED Platinum), the homeowner shall receive a customized plaque recognizing the special achievement.

**8-1.35 Incentives for Additions and Remodels**

Residential addition and remodeling projects voluntarily participating in Build It Green's GreenPoint Rated Existing Home Rating Program shall qualify for the following incentives:

**A. Expedited Permit Processing**

For projects that achieves the GreenPoint Elements rating (25 points minimum), the project shall qualify for expedited building plan review. Plan check comments on the first round of building permit applications will be provided within five days of permit submittal.

**B. Guaranteed Building Inspections**

For projects that achieves the GreenPoint Whole House rating (50 points minimum), the project shall qualify for guaranteed building inspections within two working days of a request for inspection.

**8-1.36 Administration and Enforcement.**

The Building Official of the Town of Los Altos Hills shall be responsible for the administration and enforcement of the provisions of Chapter 1.3 Green Building Regulations.

**8-1.37 Exceptions.**

The Building Official shall have the discretion to grant exceptions to the strict application of the ordinance in cases where due to conditions or exceptional characteristics of the structure or property involved, a literal enforcement of the provisions of this chapter would result in practical difficulties or unnecessary hardships; provided, however, no such exceptions shall be granted unless the Building Official shall find that the granting of such exception will not be contrary to the intent of the provisions of this chapter.

**8-1.38 Appeal**

Any decision or determination by the Building Official under this Chapter may be appealed by the applicant or any interested person to the City Council by filing with the City Clerk a written notice of such appeal, setting forth the specific grounds thereof, in accordance with the provisions of Section 1-4.01 (Rights to Appeal) of the Los Altos Hills Municipal Code.

2. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the Town of Los Altos Hills hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

3. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect thirty (30) days after adoption. Pursuant to the provisions of Government Code Section 36933, a summary of this ordinance shall be prepared by the City Council's designee. At

least five (5) days prior to the Council meeting at which this ordinance is scheduled to be adopted, the City Clerk shall (1) publish the summary in a newspaper of general circulation, and (2) post in the City Clerk's Office a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the City Clerk shall (1) publish the summary in a newspaper of general circulation, and (2) post in the City Clerk's Office a certified copy of the full text of this ordinance along with the names of those City Council members voting for and against this ordinance or otherwise voting.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

BY: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney


TOWN OF LOS ALTOS HILLS  
Staff Report to the City Council

September 11, 2008

---

SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING TITLE 8, BUILDING REGULATIONS, OF THE LOS ALTOS HILLS MUNICIPAL CODE TO ADD A NEW CHAPTER 8-1.3 GREEN BUILDING REGULATIONS (NEW RESIDENCES AND PUBLIC FACILITIES ONLY)

FROM: Debbie Pedro, Planning Director 

APPROVED: Carl Cahill, City Manager 

---

RECOMMENDATION: That the City Council:

Waive reading and introduce the proposed ordinance amending Title 8 of the Los Altos Hills Municipal Code to add a new chapter 8-1.3 on Green Building Regulations.

BACKGROUND

On May 22, 2008, the City Council considered establishing green building regulations for development projects in the Town and directed staff to prepare an ordinance for Planning Commission and City Council review.

On July 17, 2008, the Planning Commission unanimously voted to recommend approval of the proposed Green Building Ordinance with the following additional recommendations:

- 1. Include a voluntary program with incentives for addition and remodel projects.**

In June 2008, Build It Green (BIG) introduced a rating program for additions and remodels. Since the GreenPoint Existing Homes Rating program is still in its infancy and has not been widely tested, the Commission recommended that the Town encourages voluntary participation for remodels and additions at this time and evaluate adopting the Existing Homes Rating guidelines again in the future. The Commission's recommendation has been incorporated into the ordinance under Section 8-1.35.

- 2. A common sense approach should be taken in implementing the ordinance so that it is not overly bureaucratic.**



The GreenPoint Rating program is designed to be accessible, flexible and attainable. Staff believes that the 50 point minimum requirement for new residence construction is relatively easy to achieve. Nevertheless, when the ordinance is implemented, there may be unanticipated situations or circumstances where strict application of the ordinance would result in practical difficulties or unnecessary hardships. Therefore, provisions have been made in Section 8-1.37 of the ordinance to allow the Building Official the discretion to grant exceptions for hardship situations. Furthermore, the Building Official's decision or determination can be appealed to the City Council per Section 8-1.38 of the ordinance.

Key elements of the proposed Green Building Ordinance are as follows:

**Section 8-1.31 Applicability**

The proposed green building regulations will apply to new residences and new Town-owned public facilities only. For new residence construction, applicants must incorporate green building measures in the project using either the GreenPoint Rated or LEED for Homes checklist. Each item on the checklist has a point value and a minimum point threshold must be achieved. The GreenPoint Rated and LEED for Homes checklists are included as Attachment 5.

Applicable Project	Rating Program	Minimum Points Required
New Residence	GreenPoint Rated	50
	LEED for Homes	45
Public Facility	LEED NC	LEED Certified

The four main categories and sample green building measures on the checklist are:

1. **Energy Efficiency** – photovoltaic (PV) panels, energy efficient appliances and use of building orientation to improve natural heating and cooling.
2. **Water Conservation** - drought tolerant plants, minimize turf area and use of high efficiency irrigation system.
3. **Resource Conservation** –rapidly renewable materials (e.g. bamboo), engineered lumber and deconstruction to salvage and recycle building materials.
4. **Indoor Air Quality** - use of paint and floor finishes that do not contain formaldehyde or other harmful chemicals which can offgas and contribute to indoor air pollution.

### **Section 8-1.34 Incentives for Applicable Projects**

Various incentives are provided to encourage applicants to exceed the minimum point thresholds:

<b>Incentives</b>	<b>Points Achieved</b>
Expedited Permit Processing	GreenPoint rated at >75 points
	LEED rated at >60 points (LEED Silver)
Guaranteed Building Inspections	GreenPoint rated at >100 points
	LEED rated at >75 points (LEED Gold)
Special Recognition by City Council	GreenPoint rated at >150 points
	LEED rated at >90 points (LEED Platinum)

### **8-1.35 Incentives for Additions and Remodels**

Residential addition and remodeling projects voluntarily participating in Build It Green's GreenPoint Rated Existing Home Rating Program would qualify for the following incentives:

<b>Incentives</b>	<b>Points Achieved</b>
Expedited Permit Processing	GreenPoint Elements Rating >25 points
Guaranteed Building Inspections	GreenPoint Whole House Rating >50 points

Additional background information on green building and the development of the ordinance can be found in the Planning Commission and City Council staff reports and meeting minutes dated July 17 and May 22, 2008. (Attachments 2 and 3)

### **PUBLIC COMMENTS**

A Townwide public hearing notice was mailed on August 22, 2008 pursuant to Section 10-1.1105 of the Municipal Code. In addition, the hearing notice was also posted on the Town's website. As of this date, the Town has received written comments from two residents opposing the proposed ordinance. (Attachment 4)

### **CEQA REVIEW**

The proposed Green Building ordinance is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15308 of the CEQA Guidelines because it is an action taken by a regulatory agency for the protection of the environment.

### ATTACHMENTS

1. Proposed Green Building Ordinance
2. Planning Commission staff report and meeting minutes dated July 17, 2008
3. City Council staff report and meeting minutes dated May 22, 2008
4. Emails from Charles Arney dated August 29, 2008 and Robert Sandor dated September 2, 2008
5. GreenPoint Rated and LEED for Home Checklists
6. Build It Green's New Home Construction Green Building Guidelines

